

1 designated for the payment of rent by the landlord;

2 (c) periodic rent is payable at the beginning of a term that is a month or less and otherwise in
3 equal monthly installments at the beginning of each month;

4 (d) rent is uniformly apportionable from day to day;

5 (e) the tenancy is ~~from month to month~~ for a minimum of a 3-year term unless otherwise requested
6 by the tenant in a documented, informed waiver signed by the tenant; and

7 (f) the lease must provide that written notice must be given to the tenant at least 180 days before
8 the lease is to be terminated by the landlord; and

9 (g) if either party terminates the rental agreement without cause prior to the expiration date of the
10 lease term, the aggrieved party is entitled to monetary damages up to 1 month's rent or an amount that is
11 agreed on in the rental agreement, which may not exceed 1 month's rent. Landlords shall follow 70-33-426(2)
12 and are entitled to rent from defaulting tenants up to the date a new tenancy starts or the date the rental
13 agreement term expires.

14 (3) Rent is payable without demand or notice at the time and place agreed ~~upon~~ on by the parties
15 or as provided by subsection (2)."

16

17 **Section 2.** Section 70-33-429, MCA, is amended to read:

18 **"70-33-429. Holdover remedies -- consent to continued occupancy.** (1) If the tenant remains in
19 possession without the landlord's consent after expiration of the term of the rental agreement or other
20 termination of the rental agreement, the landlord may bring an action for possession.

21 (2) If the term is longer than ~~month-to-month~~ month-to-month and the landlord terminates the
22 agreement with cause and the tenant's holdover is purposeful and not in good faith, the landlord may recover
23 an amount of not more than 3 months' rent or treble damages, whichever is greater.

24 (3) If the term of the rental is month-to-month and the landlord terminates the rental agreement
25 without cause and issues a lawful 30-day notice and the tenant remains in the rental unit after the termination
26 date, then the holdover is purposeful and the landlord may recover an amount not more than 3 months' periodic
27 rent or treble damages, whichever is greater.

28 (4) In an action for possession or unlawful holdover, the provisions of the Montana Justice and City

1 Court Rules of Civil Procedure, Title 25, chapter 23, apply, except that the time for filing an answer under Rule
2 4C(2)(b) is 5 business days after service of summons and complaint, exclusive of the date of service.

3 (5) If the landlord consents to the tenant's continued occupancy, ~~70-33-201(2)(e)~~ applies the term
4 is month-to-month."

5 - END -